

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 16, 2008. At the time of the Office Action, Claims 12-24 were pending in this Application. Claims 12-24 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 12-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Publication No. WO 02/43414 by Miraj Mostafa (“*Mostafa*”) in view of U.S. Patent Application Publication No. 2002/0056123 by Gad Liwerant et al. (“*Liwerant*”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The Examiner considers *Mostafa* not to teach updating a link between the different data elements, including the at least one converted data element within the MMS data, after

the conversion, to maintain a validity of the link in the MMS_data between the different data elements, but that *Liwerant* teaches this. The applicants respectfully disagree, because *Liwerant* does not teach that the link is **updated to maintain validity of the link between different data elements**. This is naturally so, because in *Liwerant* the link is only created when sender A sends a video for storage. No later update occurs, because the streaming server C40 issuing the link does not perform a conversion of data, instead the streaming server C40 only stores the video for later streaming requests.

In *Liwerant* a video from a sender A is converted into a streaming video format by a processing server C30. *Liwerant*, [0047], lines 1-3. This streaming video is stored in the streaming server C40 and an identifier for the streaming video is issued by the streaming server C40. *Liwerant*, [0047], lines 6-10. This identifier (thumbnail, URL) is communicated back to sender A or another user. *Liwerant*, [0048], lines 14-19. That this identifier should be updated for other conversions made later is not taught or suggested by *Liwerant*, because *Liwerant* is silent in this respect. In other words, an identifier (link) to a streaming video format stored in a streaming server C40 is issued by the streaming server C40 when a video is initially converted to the streaming video format and the identifier (link) is not updated by other conversions of that video.

A reader having ordinary skill in the art would therefore not considering updating a link to maintain validity of the link between different data elements when confronted with the teachings of *Liwerant*. In fact, he would not consider the teachings of *Liwerant*, because these teachings only apply to streaming video formats. *Liwerant*, [0002]. However, if one having ordinary skill in the art would nevertheless consider the teaching of *Liwerant*, then, when staring with the teaching of *Mostafa* and faced with the desire to successfully view content of video files (as suggested by the Examiner in the Office Action, page 4, second paragraph), he would issue a new link for each conversion, as taught by *Liwerant*, rather than updating existing links.

Since *Liwerant* fails to teach or suggest updating a link between the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the link in the MMS_data between the different data elements, it is respectfully requested that the rejection under 35 U.S.C. §103(a) is withdrawn.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449 for the Examiner's review and consideration. The Commissioner is authorized to charge the fee of \$180.00 required to Deposit Account 50-2148 in order to effectuate this filing.

CONCLUSION

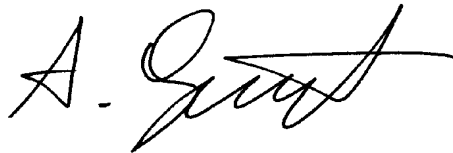
Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of \$130.00 required to Deposit Account 50-2148 in order to effectuate this filing.

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', with a stylized flourish at the end.

Andreas Grubert
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Date: December 24, 2008

SEND CORRESPONDENCE TO:

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